**THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA**

**WRIT PETITION No.13885 of 1997**

**DATED : 25.01.2007**

**Between:**

Kona Neelakanta Reddy S/o late K.Sambasiva Reddy R/o Yadiki (village and Mandal), Anantapur District and others.

.... **PETITIONERS**

**And:**

The District Collector, Anantapur and others.

....**RESPONDENTS**

**THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA**

**WRIT PETITION No.13885 of 1997**

**ORDER:**

This writ petition is filed seeking a mandamus declaring the action of respondents 1 to 3 in permitting the fourth respondent to divert the Konauppalapadu marava vanka from its natural flow as arbitrary and illegal.

It is the case of the petitioners that they own agricultural lands in different survey numbers in Kona Uppalapadu Panchayat, Yadiki Mandal, Anantapur District. There is a natural perennial water source known as "kona" flowing from the hills, and it has many water rivulets, streams and canals and the water flow joins the Konuppalapadu tank, which serves the water to all of the villagers. While so, the fourth respondent purchased some land from the villagers and also made a representation to the first respondent for diverting the middle vanka towards western side adjacent to the hill track from its natural flow,

as a result of which the wells in the agricultural lands of the petitioners will not get water. Complaining the said action of the fourth respondent, the petitioners made representations to respondents 1 to 3, but no orders are passed on their representations. Hence this writ petition.

The fourth respondent filed a detailed counter stating that the petitioners have filed two representations before the first respondent complaining that the wells in their agricultural lands will not get water from the ground level if the diversion of the stream proposed by the fourth respondent is permitted. The said representations were referred to the third respondent for inspection and accordingly the third respondent inspected the lands of the petitioners and submitted a report to the second respondent stating that the lands of the petitioners will not be affected on account of the said diversion of the stream. Thereafter, the second respondent, by his letter dated 20.06.1997, requested the Ground Water Department to inspect the lands of the petitioners and submit a report as to the impact of the ground water level and also to note as to whether there is any possibility of the bore wells of the petitioners getting dried due to the said diversion of the stream. The Ground Water Department conducted detailed hydro geological survey from 03.07.1997 to 07.07.1997 and submitted a report to the Deputy Director of Ground Water Department, Anantapur, stating that the performance of the wells on the down stream side outside the proposed factory site will not be affected due to diversion of the stream. Therefore, the fourth respondent concludes that as the lands of the petitioners will not be affected, they cannot oppose the proposed diversion of the stream, and therefore,

the writ petition is liable to be dismissed.

In the light of the averments in the counter filed by the fourth respondent coupled with the report of the Ground Water Department, it is clear that the apprehension of the petitioners is baseless. Hence, I see no merits in this writ petition.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

25.01.2007

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